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Priority theme:

“Ensuring and strengthening access to justice for all women and girls, including by promoting inclusive and equitable legal systems, eliminating discriminatory laws, policies, and practices, and addressing structural barriers.”

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Legal Aid as a pathway to advancing women and girls' access to justice in Kosovo

Expert paper prepared by:

Arrita Reznqi

Senior Legal Researcher at Kosovo Law
Institute (KLI) and Head of the Free Legal Aid
Center of KLI

Abstract

Access to justice is a fundamental human right, yet for many women in Kosovo it remains distant despite a progressive constitutional and legal framework. This paper examines the transformative potential of free legal aid in addressing the barriers faced by women in the legal system and strengthening women's access to justice in Kosovo. It analyzes the role of the Free Legal Aid Agency (FLAA) as the state institution mandated to deliver services, alongside the complementary work of civil society organizations, particularly the Free Legal Aid Center of the Kosovo Law Institute (LAC-KLI). Drawing on case studies, the paper illustrates how legal aid not only provides remedies for individual rights violations but also contributes to systemic reform. The findings underscore that legal aid must be seen not merely as a service but as a cornerstone of inclusive democracy, accountability and gender-responsive justice in Kosovo.

1. Introduction

Access to justice is a fundamental human right, enshrined in the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (ICCPR) and at the European level, the European Convention on Human Rights (ECHR), which has shaped the principle of legal aid across Council of Europe member states. While Kosovo is not yet a member of the United Nations or the Council of Europe, it has nonetheless integrated these standards into its domestic framework. The Constitution of Kosovo explicitly guarantees free legal aid, provides for the direct applicability of international human rights instruments and accords them priority over conflicting domestic legislation. In line with these commitments, the Law on Free Legal Aid¹ established the Free Legal Aid Agency (FLAA)², ensuring that vulnerable categories, including women, can access justice regardless of financial means.

The legal aid system³ in Kosovo was established under the United Nations Interim Administration Mission in Kosovo (UNMIK) in Regulation on Legal Aid.⁴ The Legal Aid Commission (LAC) created by UNMIK in 2006 was the first of its kind in the Western Balkans.⁵ In 2012, the Assembly of the Republic of Kosovo adopted the Law on Free Legal Aid replacing the UNMIK Regulation and thus institutionalizing the free legal aid through an independent Kosovo institution with the same purpose and objectives. LAC was transformed into the Agency for Free Legal Aid, an independent public institution, which exercises functions and responsibilities in compliance with the Law on Legal Aid.⁶

According to the European Commission Country reports for Kosovo in last five years, despite the adoption and implementation of the substantial judicial reforms in past years, Kosovo is considered to still be at an early stage in developing a well-functioning judicial system and it is still vulnerable to undue political influence. The European Commission consciously calls for rule of law institutions to undertake sustained efforts to build up their capacities and improve the administration of justice as well as access to justice.

Within this broader context of systemic challenges, the barriers faced by women and girls are even more pronounced. Structural, cultural and economic barriers, gender-based violence, denial of family and inheritance rights and lack of implementation of legislation, continue to hinder effective access. Despite progressive legal reforms and international commitments, these aspects highlight the urgency of gender-responsive justice strategies.

2. Barriers to women's access to justice in Kosovo

Despite the existence of a constitutional framework that guarantees equality before the law and provisions that give direct applicability to international instruments, women and girls in

¹ Law No. 04/L-017 on Free Legal Aid.

² Kosovo's Free Legal Aid Agency's website: <https://anjf.rks-gov.net/>.

³ Functional Review of the Justice Sector in Kosovo: Policy Paper: Enhancing Accessibility of the Courts and Prosecutors' Offices, 2019.

⁴ UNMIK Regulation No 2006/36 on Legal Aid.

⁵ Legal Aid Commission, Annual Report 2010, May 2011.

⁶ Functional Review of the Justice Sector in Kosovo: Policy Paper: Enhancing Accessibility of the Courts and Prosecutors' Offices, 2019.

Kosovo continue to face barriers in accessing justice. The existence of a progressive legal framework, however, does not in itself guarantee substantive equality. The distance between law and practice illustrates that legal frameworks alone are insufficient without sustained investment in implementation, institutional reform, and community-level empowerment. In practice, women's access to justice remains constrained by overlapping structural, cultural, and institutional barriers, several of which are outlined below.

2.1. Legal and institutional barriers and lack of implementation

Access to justice is expressly safeguarded as a fundamental constitutional right, with a clear entitlement to free legal aid.⁷ Under the applicable legal framework, such aid must be provided to individuals who lack the financial means to pursue legal remedies, ensuring that no citizen is denied justice on economic grounds.

Importantly, the Constitution accords direct applicability and supremacy to international human rights treaties. This framework includes the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), whose provisions are binding and hold primacy over domestic legislation.⁸ Moreover, through constitutional amendment, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) also enjoys direct effect in Kosovo's legal system.⁹

Despite these guarantees, their implementation remains weak. Domestic courts rarely rely on or invoke these provisions in their reasoning,¹⁰ creating a significant gap between the normative protections enshrined in the Constitution and their practical realization. Furthermore, even though Kosovo has developed a comprehensive legal framework aligned with international human rights standards, laws often remain under-enforced due to weak institutional capacity, limited coordination among relevant agencies and inadequate monitoring mechanisms. This underutilization undermines effective access to justice, with women in particular bearing the consequences of a justice system that fails to apply the full scope of rights available to them.

2.2. Labor market barriers and economic dependency

Data from the Kosovo Agency of Statistics highlight the persistent gender gap in the labor market, showing that a little over one in five women are formally employed.¹¹ This figure, however, obscures the extent of women's contributions through substantial but largely unrecognized forms of labor, particularly in unpaid household and care work.

Women face hiring biases linked to maternity leave provisions and a lack of adequate workplace protections for sexual harassment. While it is very true that Kosovo has established a legal framework that formally upholds gender equality and a significant gap persists between

⁷ Constitution of Kosovo, Article 31, par. 6.

⁸ Constitution of Kosovo, Article 22.

⁹ Amendment of the Constitution of Kosovo no. 26.

¹⁰ Kosovo Law Institute, *The Istanbul Convention in the Verdicts of Courts in Kosovo*, 2022, pg. 23 (https://klics.org/wp-content/uploads/2023/03/The-Istanbul-Convention-in-the-verdicts-of-courts-in-Kosovo_ENG.pdf).

¹¹ Kosovo Agency of Statistics, *Labour Force Survey (LFS) Results, 2024* (<https://ask.rks-gov.net/Releases/Details/8614>).

the adoption of legislation and its practical application,¹² in practice it also appears that the law disproportionately disadvantages women, particularly regarding maternity and pregnancy. Furthermore there is a lack of provisions for parental leave for men, where the transfer of maternity leave is permitted only in exceptional cases, such as the death or abandonment of the child by the mother.¹³

Such factors impact to reduce women's participation in the workforce, perpetuate financial dependency and diminish their ability to independently access justice. Economic dependency is a defining obstacle for women seeking justice in Kosovo. As a result, women remain trapped in cycles of dependency on male family members, which disincentivizes them from pursuing claims in the first place.

2.3. Institutional biases

While Kosovo has enacted progressive laws on gender equality, domestic violence and anti-discrimination, gender bias within the justice system continues to pose a serious challenge to fairness and equality before the law.

A case widely documented by civil society organization Kosovo Law Institute, demonstrates the problem: a woman reported being raped by five men, led to a case where the defendants were acquitted. The court's reasoning relied heavily on gendered assumptions about the victim's character and behavior. In its judgment, the court questioned her morality and suggested that her decision to travel with male acquaintances implied consent to sexual activity.¹⁴ Such reasoning reflects a profound reliance on stereotypes rather than legal principles, ultimately resulting in the denial of justice. These biases undermine public trust and reinforce perceptions that justice mechanisms are inaccessible or hostile to women.

Additionally, while accessing justice may be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system. Persistent economic and social inequalities between women and men, gender bias and gender stereotypes result in unequal access of women and men to justice.¹⁵ There are a multitude of obstacles that prevent women from having equal access to justice: taboos, prejudices, gender stereotypes, customs, poverty, lack of information, gaps in legislation and in their implementation and sometimes even the laws themselves. This is particularly true for some groups of women, notably victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women, Roma women, women with disabilities and elderly women.¹⁶

2.4. Informational gaps

Although the law guarantees that all female survivors of gender-based violence are entitled to free legal aid, it seems that the limited public awareness of the existence and scope of free legal

¹² World Bank Group, Advancing Gender Equality in Kosovo: Challenges and Pathways Forward (<https://www.worldbank.org/en/news/opinion/2024/03/08/advancing-gender-equality-in-kosovo-challenges-and-pathways-forward>).

¹³ Law no.03/L-212 on Labor, Article 49, par. 7.

¹⁴ Betimi per Drejtesi, "The sexist reasoning of the judgment of the Court in Gjilan", available at <https://betimiperdrejtesi.com/arsyetimi-seksist-i-vendimit-te-gjykates-se-gjilanit/>.

¹⁵ Council of Europe, Gender Equality Strategy 2018-2023.

¹⁶ Ibid.

aid services remains an issue. Research conducted in the country has shed light on the obstacles women encounter when seeking justice. Findings indicate that 32% of women report being poorly informed about their right to legal representation, while an even larger share (66%) lack adequate knowledge of their entitlement to free legal aid. When seeking information, most women rely on justice institutions (46%) or on family and friends (24%), while 8% admitted they are uncertain where to turn for legal guidance.¹⁷ Women in rural and marginalized communities face additional hurdles. Limited institutional outreach, physical distance from courts and legal aid offices and inadequate public transportation severely restrict access to legal remedies.

This informational gap effectively excludes large segments of the female population from even initiating claims. This lack of awareness, combined with limited outreach by state institutions, effectively excludes large segments of the female population from initiating claims or seeking remedies.

2.5.Cultural norms and stigma

Patriarchal traditions and societal stigma remain powerful deterrents to women seeking justice. Although reporting of domestic violence cases has increased in recent years, women in Kosovo continue to face substantial obstacles throughout the reporting process.¹⁸ Key barriers include breaches of confidentiality and the persistence of victim-blaming attitudes among segments of law enforcement. These challenges are compounded in the digital sphere, where online media often reproduce harmful stereotypes rather than addressing underlying gender inequalities.¹⁹ This not only undermines public understanding of gender-based violence but also has a chilling effect on survivors, who may refrain from reporting sexual violence due to fear of exposure, stigmatization, and social backlash.²⁰

3. Transformative potential of free legal aid in strengthening women's access to justice

Overcoming the above listed barriers requires a specific strategy, where the sustained legal aid provision is the cornerstone of inclusive justice, enabling women not only to access legal remedies but also to transform justice systems themselves.

In Kosovo, where women face systemic barriers, this provides both immediate relief and long-term structural change. Legal aid, in its broadest sense, is not limited to representation in court; it encompasses a continuum of interventions that empower women to know, use, and shape the law. The impact is measurable.

The Constitution of Kosovo enshrines the right to a fair and impartial trial under Article 31, explicitly guaranteeing free legal aid to individuals without adequate financial means where

¹⁷ Access to Justice, Policy Note, Enhancing Accessibility of the Courts and Prosecutors' Offices, Functional Review of the Rule of Law of Kosovo, September 2019, pg. 30- 31.

¹⁸ Kosovo Women's Network, Gender Equality: At the Centre of IT... and Beyond, 2024, pg. 435, 436, available at <https://womensnetwork.org/wp-content/uploads/2024/09/KWN-Gender-and-Digitalisation-1.pdf>

¹⁹ Ibid.

²⁰ Ibid.

such assistance is necessary to secure effective access to justice.²¹ This provision is operationalized by the Law on Free Legal Aid, adopted in 2012²² and amended in 2022²³, which establishes the legal and institutional framework for the delivery of services. The amendment of the law mostly represents an important step in addressing the systemic barriers that disproportionately affect women, particularly survivors of violence and other vulnerable groups, by providing unconditional access to certain categories of individuals, such as survivors of conflict-related sexual violence (1998–1999 war), victims of domestic violence and gender-based violence, victims of sexual violence, including harassment, victims of trafficking in human beings, individuals whose rights have been violated through discrimination, etc.²⁴

Having a gender-sensitive approach to free legal aid provision helps build knowledge, confidence, and collective action. Kosovo’s progress is situated within a broader international framework, including its ratification of the Istanbul Convention (2011) and aspirations for EU accession, both of which mandate stronger safeguards for women’s rights. However, these commitments require consistent investment and structural reforms. By embedding empowerment within both communities and institutions, legal aid contributes not only to individual remedies but also to the transformation of Kosovo’s justice system into one that is inclusive, gender-responsive and aligned with international human rights standards.

The Free Legal Aid Agency (FLAA) is the sole public institution mandated to organize and deliver legal aid in Kosovo. Legally established as an independent body, the FLAA has, since the 2022 reform on rationalization of agencies, been restructured as an Executive Agency under the Ministry of Justice, though it continues to operate in accordance with the Law on Free Legal Aid.

According to the 2024 FLAA Annual Report, 8,049 citizens benefited from free legal aid services, with women constituting about 44% of recipients and men 56%.²⁵ This shows disparities between the requests for free legal aid from women and men, underscoring that women continue to face structural obstacles in seeking legal assistance. This shows the need to frame women’s challenges as structural inequalities rather than isolated grievances. A justice system that is unresponsive to the specific needs of women and girl’s risks reinforcing inequality. Gender-sensitive legal aid tailors services to women lived experiences, ensuring that survivors of gender-based violence and other forms of discrimination are met with safety, trust, and respect.

At the same time, FLAA faces persistent challenges in fulfilling its mission. These include insufficient funding, limited staffing²⁶ and uneven outreach to rural areas and minority communities.²⁷ Service provision is currently delivered through a network of regional offices,

²¹ Constitution of Kosovo, Article 31, par. 6.

²² Law No. 04/L-017 on Free Legal Aid.

²³ Law on Amendments and Supplements to Law No. 04/L-017 on Free Legal Aid.

²⁴ Ibid, Article 10/A.

²⁵ Kosovo’s Free Legal Aid Agency, Annual report 2024, pg. 39-40 (<https://anjf.rks-gov.net/desk/inc/media/43C308E1-948B-4928-877F-737B32D3B0AF.pdf>)

²⁶ Ibid, pg. 72.

²⁷ Ibid, pg. 6-7.

mobile legal aid units, contracted lawyers, and partnerships with civil society organizations (CSOs). The role of NGOs has been particularly significant, as they often succeed in reaching vulnerable and marginalized groups where state institutions struggle. Since April 2024, this partnership model has been formally regulated through sub-legal acts, notably the Regulation on Criteria for Providing Free Legal Aid by NGOs in Partnership with FLAA,²⁸ which sets clear standards for civil society engagement.

Although women make up a smaller percentage of overall beneficiaries, especially to those facing poverty, discrimination, and geographic isolation, legal aid provides more than representation, it dismantles systemic barriers and connects them to both formal and informal justice pathways. By embedding empowerment within communities, legal aid transforms justice from a distant concept into a lived reality for women and girls. Strengthening these mechanisms is therefore critical not only to advancing gender equality but also to reinforcing Kosovo's democratic development and its alignment with European human rights standards. Legal aid in Kosovo must be recognized not merely as a service, but as a cornerstone of inclusive democracy, accountability and the rule of law.

4. Case Study: Legal Aid Center of Kosovo Law Institute (LAC-KLI)

Kosovo Law Institute (KLI)²⁹ stands as one of the leading civil society organizations advancing women's access to justice and safeguarding human rights in Kosovo. At the heart of this mission is its Free Legal Aid Center³⁰ (LAC-KLI), established in 2019, which has become a key mechanism for ensuring equal opportunities and effective access to justice for vulnerable groups. As an organization authorized to provide free legal aid in partnership with the State Free Legal Aid Agency, LAC-KLI exemplifies how civil society can complement state institutions by bridging service gaps, ensuring accountability and promoting gender-sensitive, rights-based approaches. Its dual focus on empowering individuals and driving systemic reform underscores the transformative potential of free legal aid as a catalyst for equality and justice in Kosovo.

Since its establishment in March 2019, until June 2025, LAC-KLI has handled around 4,500 cases, with over 40% involving women and around 30% involving members of ethnic minorities. These figures underscore the LAC-KLI's role in addressing the justice gap for groups facing compounded discrimination, such as rural women and minority communities. By focusing on these constituencies, LAC-KLI ensures that the promise of justice moves beyond legal guarantees into meaningful, lived realities.

LAC-KLI provides legal aid across criminal, civil, administrative, minor offence and constitutional proceedings, prioritizing cases that disproportionately affect vulnerable groups. These include, but are not limited to the following:

²⁸ Regulation MF - Nr - 04/2017 On Criteria, Standards and Procedures on Public Funding of NGOs (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=14831>)

²⁹ Kosovo Law Institute's website: <https://kli-ks.org/en/>.

³⁰ Free Legal Aid Center of KLI's website: <https://ndihmajuridikeikd.org/en/>

- Domestic and gender-based violence cases, offering survivors legal support and representation in court.
- Property rights for women, tackling entrenched patriarchal practices that restrict inheritance and ownership rights.
- Anti-discrimination claims, protecting ethnic minorities, LGBTQ+ persons and other marginalized groups.
- Labor rights and employment disputes, ensuring equal treatment and protection in the workplace.
- Pension-related matters, especially for pensioners facing systemic exclusion or delays.
- Support for single parents, addressing the combined legal, social and economic challenges they face.

With this broad mandate, LAC-KLI functions not only as a provider of legal aid but also as a comprehensive service center capable of addressing systemic patterns of inequality within Kosovo's justice system. Beyond direct legal aid, LAC-KLI plays an important role as a central hub for referrals and collaboration among NGOs across Kosovo. Through formal Memorandums of Understanding (MoUs), it collaborates with NGOs advocating for women's rights, LGBTQ+ communities, ethnic minorities, single parents and other vulnerable groups. This network-based approach strengthens outreach and ensures that vulnerable groups can be effectively referred to appropriate services.

KLI has expanded its work beyond individual representation into strategic litigation and civic advocacy aimed at systemic change and elimination of discriminatory provisions. These initiatives illustrate how civil society legal aid can both remedy individual violations and influence the development of Kosovo's legal and policy framework.

To maximize accessibility, KLI has diversified its service delivery through multiple channels:

- In-person consultations at its offices in Prishtina and North Mitrovica.
- Mobile legal aid teams serving rural and underserved areas.
- An online platform (<https://platforma.ndihmajuridikeikd.org/>).
- Toll-free lines and digital tools, including Viber and WhatsApp.

This multi-channel model reduces geographic, economic and social barriers, providing women and marginalized groups with safe and accessible pathways to seek justice.

The services of LAC-KLI cover every stage of the legal process, from legal advice and drafting of legal submissions, to court representation through the Kosovo Bar Association attorneys.

A defining feature of the LAC-KLI is its integration of gender-sensitive and survivor-centered approaches in the delivery of services. Recognizing the profound stigma and trauma often associated with reporting violence or asserting property rights, LAC-KLI has developed methods that ensure safety, confidentiality and responsiveness to the specific needs of women and survivors of gender-based violence. Key elements of this approach include trauma-informed counseling, designed to reduce secondary victimization by ensuring that survivors are not retraumatized through insensitive questioning or institutional neglect; representation by female legal professionals, which increases survivors' comfort and trust in the justice process,

particularly in sensitive cases involving sexual or domestic violence; as well as comprehensive referral pathways to shelters and psychosocial support services, ensuring that survivors receive holistic assistance beyond the legal dimension.

In recent years, LAC-KLI has addressed a wide range of cases with relevance to women. Most of these cases involve domestic violence and gender-based violence, where survivors have sought legal representation to obtain protection orders, initiate criminal proceedings, or secure custody of children. Other significant areas include property and inheritance disputes, in which women often face entrenched patriarchal practices that deny them equal ownership rights; employment-related cases, particularly those concerning unfair dismissal, workplace discrimination, or violations of maternity rights; and pension and social welfare claims, which frequently affect women in vulnerable socio-economic situations, such as single mothers or widows. The section below highlights some of the most significant cases impacting women, addressed by LAC-KLI in recent years.

a) The Right to Life

Following the media outlets' report regarding a murder of a woman by her husband, who subsequently took his own life, Kosovo Law Institute (KLI) reviewed media coverage and the official case files and assessed that the case involved a long history of domestic violence. Despite multiple prior reports filed by the victim, both the Police and the Prosecution failed to respond appropriately, thereby neglecting their legal duties.

Subsequently, the Free Legal Aid Center of KLI, representing the victim's children, submitted a referral to the Constitutional Court of Kosovo.³¹ The case argued that state authorities, by omission, had violated the right to life guaranteed under Article 25 of the Constitution in conjunction with Article 2 of the European Convention on Human Rights (ECHR), and had failed to comply with their obligations under Articles 50 and 51 of the Istanbul Convention. Following this referral, the Constitutional Court rendered its judgment³², finding that “the Referral is admissible and concluded that the Police of Kosovo, namely the Police Station in Gracanica and the State Prosecutor, namely the Basic Prosecutor's Office in Prishtina, have failed in their positive obligation to protect the life of S.M., guaranteed by paragraph 1 of Article 25 [Right to Life] of the Constitution and paragraph 1 of Article 2 (Right to life) of the European Convention on Human Rights; and (ii) the obligations stipulated by paragraph 4 of Article 18 (General Obligations), paragraph 1 of Article 50 (Immediate response, prevention and protection), paragraph 1 of Article 51 (Risk assessment and risk management) and paragraph 1 of Article 55 (Ex parte and ex officio proceedings) of the Convention on Preventing and Combating Violence against Women and Domestic Violence.”³³

This judgment marked only the second case of its kind decided by the Constitutional Court of Kosovo, and notably, the first decision specifically addressing state obligations under the

³¹ Kosovo Law Institute, through its Free Legal Aid Center, represented the children of the deceased and initiated a case to the Constitutional Court, available at <https://ndihmajuridikeikd.org/dorezohet-ne-gjykatën-kushtetuese-te-kosoves-kerkesa-permes-se-ciles-propozohet-te-konstatohet-shkelja-e-te-drejtës-per-jeten-ne-rastin-e-sebahate-morines/>.

³² Case no. KI129/21 Velerda Sopi, Constitutional Court of Kosovo, 22 March 2023, available at <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=71699>.

³³ Ibid.

Istanbul Convention. This judgment was considered a landmark decision by international reports, such as the European Commission Country Report for Kosovo.³⁴

Following the Constitutional Court's judgment, the Chief State Prosecutor announced the initiation of disciplinary proceedings against the prosecutor who handled the case. Soon after, the Kosovo Prosecutorial Council established an investigative panel to conduct the proceedings, which ultimately resulted in disciplinary measures being imposed on the prosecutor concerned.³⁵

This case illustrates the systemic failures of state institutions to protect women, despite clear legal obligations. At the same time, the Constitutional Court's ruling demonstrates the transformative role of legal aid and strategic litigation in holding institutions accountable and ensuring that international standards are not merely symbolic but legally enforceable. The decision set an important precedent for future cases of gender-based violence in Kosovo, signaling that institutional negligence will not be tolerated and that state authorities carry a positive obligation to act decisively to protect women's lives and rights.

b) Alimony

This case involves the legal aid provided to a single mother who, for nearly a decade, had been unable to secure the enforcement of her child's right to alimony. Through the procedures initiated and supported by LAC-KLI, she was ultimately able to realize this right in full.

Although the court had previously issued a final judgment recognizing her right, the decision had not been implemented for almost ten years. LAC-KLI supported the client in drafting a proposal for enforcement, which was subsequently approved by the Basic Court. The child's father appealed this decision, but once again, with legal support from LAC-KLI in preparing the response to the appeal, the court ruled in the mother's favor and allowed enforcement to proceed.

As a result, the father was compelled to fulfill his legal obligation and pay the alimony owed. After a decade of failed enforcement attempts, the mother, with the assistance of LAC-KLI, finally secured the right to alimony, including retroactive payments totaling tens of thousands of euros covering the entire ten-year period.

This case illustrates not only the persistence of systemic barriers that prevent women (particularly single mothers) from accessing justice, but also the transformative impact of free legal aid. By providing timely, professional and sustained support, LAC-KLI enabled the enforcement of a fundamental right, demonstrating how legal aid can restore both accountability and dignity for women facing long-term institutional inaction.

c) Protection from domestic violence

A woman approached the LAC-KLI after enduring nearly seven years of continuous domestic violence at the hands of her husband and other family members, abuse that escalated to the

³⁴ European Commission Country Report for Kosovo 2023, pg. 19, available at https://neighbourhood-enlargement.ec.europa.eu/Kosovo-report-2023_en.

³⁵ <https://betimiperdrejtesi.com/kushtetuesja-konstatoi-se-i-ishte-shkelur-e-drejta-per-jete-sebahate-morines-kpk-mjaftohete-me-30-ulje-te-pages-per-prokuroren-hava-krasniqi/>

point where they even attempted to bury her alive. LAC-KLI immediately assisted her from the very first steps, guiding her to file a complaint with the police and to submit a request for a protection order, which was granted. She and her children were then referred to a shelter for safety, while criminal charges were filed against her husband.

During her stay at the shelter, LAC-KLI staff provided continuous support. Once the shelter stay reached its maximum duration, LAC-KLI assisted her in submitting a request to the Municipal Center for Social Welfare for social housing support. Simultaneously, LAC-KLI helped her prepare and file a lawsuit for divorce, custody, guardianship, child upbringing and alimony. She was assigned legal representation in both the civil and criminal proceedings. As a result, with a final court decision, she obtained a divorce, was granted custody of her children, and the father was ordered to pay child support. When he failed to comply with this obligation, LAC-KLI supported her in filing an enforcement request, which was approved by the Basic Court.

Additionally, during these proceedings, the father filed a lawsuit contesting the paternity of one of the children. LAC-KLI once again provided support by drafting the response to the lawsuit and ensuring the appointment of a lawyer to represent her in court. After several hearings, the court issued a judgment rejecting the father's claim in its entirety.

This case illustrates not only the severe risks faced by survivors of prolonged domestic violence but also the critical role of legal aid in safeguarding rights, ensuring protection and enabling access to remedies across multiple legal areas. Through its sustained and comprehensive support, LAC-KLI ensured that the survivor and her children were protected, empowered, and able to rebuild their lives with dignity.

In addition to its direct casework, LAC-KLI places significant emphasis on community-level awareness and education campaigns aimed at closing the persistent information gap that prevents many women from accessing justice. Surveys consistently show that a large proportion of women in Kosovo remain unaware of their legal rights or of the availability of free legal aid services. Recognizing this, KLI has designed outreach initiatives that embed legal empowerment directly within local communities, ensuring that information reaches women where they live and in forms that are accessible and practical.

These campaigns take multiple forms. LAC-KLI regularly publishes and shares informational materials through social media platforms, extending its reach to younger audiences and digitally connected communities. Its staff members are frequently present on television shows and public debates, where they address issues of access to justice, raise awareness of several legal issues and present the opportunities available to be provided with free legal aid. Furthermore, LAC-KLI organizes awareness activities in city squares and public spaces, distributing leaflets and brochures that explain citizens' rights and provide clear instructions on how to seek free legal support.

By combining digital outreach, traditional media presence, and direct community engagement, these campaigns not only expand awareness but also challenge cultural norms that discourage women from asserting their rights. They help shift perceptions of justice from an abstract

institution to a reliable and approachable safeguard, empowering women to take informed steps toward protecting their rights.

Conclusion

Kosovo has developed a comprehensive constitutional and legislative framework that, on paper, guarantees equality before the law and access to justice for all, including the explicit right to free legal aid. It has also integrated binding international standards, such as CEDAW and the Istanbul Convention, directly into its legal order. However, as this paper demonstrates, the gap between normative guarantees and practical realization remains wide. Women and girls continue to face overlapping structural, cultural, economic and institutional barriers, ranging from systemic under-implementation of laws to entrenched patriarchal norms and persistent gender bias within justice institutions.

The paper reveals that economic dependency, labor market discrimination, informational gaps, and secondary victimization in justice processes remain significant obstacles. While legal frameworks provide the foundation for equality, their under-enforcement perpetuates cycles of exclusion and erodes public trust in the justice system.

Against this backdrop, legal aid emerges as a transformative tool. Both the State Free Legal Aid Agency (FLAA) and the NGOs eligible to provide free legal aid such as the Free Legal Aid Center of Kosovo Law Institute (LAC-KLI) play pivotal roles in dismantling barriers, empowering women and ensuring remedies for individual rights violations. Importantly, LAC-KLI's gender-sensitive and survivor-centered approaches, coupled with community-level outreach campaigns, demonstrate how civil society can bridge institutional gaps, restore dignity to survivors and drive systemic reform. Strategic litigation, such as the landmark Constitutional Court ruling on state obligations under the Istanbul Convention, highlights the potential of legal aid not only to secure justice in individual cases but also to shape the broader legal and policy landscape.

Ultimately, legal aid in Kosovo must be understood not as a supplementary service, but as a cornerstone of inclusive democracy and the rule of law. The challenges to women's access to justice in Kosovo are systemic and multifaceted, yet the pathways to change are equally clear. Legal aid, if adequately funded, gender-sensitive and community-embedded, has the power to shift justice from being a distant ideal into a lived reality for women and girls. Its potential lies not only in providing remedies to individual cases but in reshaping institutions, as well as breaking cycles of discrimination. Strengthening and scaling such mechanisms is critical to advancing gender equality, protecting fundamental rights and enabling women's and girls' access to justice.

Recommendations

1. Provide sustainable financial support for free legal aid services to guarantee sustainable and equitable delivery for all.

2. Ensure comprehensive geographic coverage of free legal aid services across all regions by deploying mobile legal aid units and strengthening outreach efforts, with particular attention to rural and minority communities, to eliminate disparities in access.
3. Establish and maintain a gender-disaggregated database enabling systematic monitoring of access and outcomes for women and other vulnerable groups.
4. Institutionalize trauma-informed and survivor-centered approaches across justice institutions, ensuring survivors of gender-based violence and sexual violence are met with safety, confidentiality and respect.
5. Guarantee accountability through strategic litigation, holding institutions responsible when they fail to protect women's and girls' rights and reinforce the positive obligations of justice actors to act decisively.
6. Encourage public institutional accountability by requiring regular reporting from justice institutions on measures taken to improve gender-responsive access to justice.
7. Scale up community-based awareness campaigns, using both traditional media and digital platforms, to inform women about their rights and available legal aid services.
8. Strengthen and institutionalize partnerships with civil society to ensure that outreach strategies reflect the lived realities and needs of local communities.

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